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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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NEW DELHI, THURSDAY, MAY 25, 1972/JYAISTHA 4, 1894

इस भाग में भिन्न खण्ड संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

NOTIFICATIONS

New Delhi, the 25th May 1972

S.O. 377(E).—In exercise of the powers conferred by sub-section (1) of section 22 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), the Central Government hereby makes the following rules, namely:—

THE PERSONAL INJURIES (COMPENSATION INSURANCE) RULES, 1972.

1. Short title and extent.—These rules may be called the Personal Injuries (Compensation Insurance) Rules, 1972.

2. Definitions.—In these rules, unless the context otherwise requires:—

(a) "Act" means the Personal Injuries (Compensation Insurance) Act, 1963, (37 of 1963);

(b) "Scheme" means the Personal Injuries (Compensation Insurance) Scheme, 1972;

(c) "Form" means a form appended to these rules;

(d) "quarter" means a period of three months, commencing on the first day of April, July, October, or January.

3. Ascertainment of Wages Bill.—The wages bill of an employer shall be computed by aggregating the gross cash wages including overtime wages and allowances of all workmen employed by him but shall exclude all that part of gross cash

wages and allowances of individual employees which exceed five hundred rupees per month and bonus paid on profits.

4. **Form of Policy.**—Every policy of insurance referred to in sub-section (2) of section 8 of the Act shall be in Form X.

5. **Quarterly advance payment.**—The period for the purpose of clause— (h) of sub-section (5) of section 8 of the Act shall be a quarter.

6. **Date by which policy is to be taken.**—An application for taking out a policy of insurance shall be made:—

(a) if the employer had been employer for the complete quarter ending the 31st December, 1971 then on or after the 10th June, 1972 and not later than the 20th July, 1972.

(b) in all other cases, within one month of the employer's having become an employer for one complete a quarter.

7. **Form and manner of Accounts.**—An account of all sums received into and paid out of the Fund shall be prepared in Form Y and shall be published annually in the Official Gazette.

8. **Period of appeal.**—An appeal under sub-section (3) of section 15 of the Act shall be made within ninety days of the determination made under sub-section (1) of that section.

9. **Recovery.**—The Claims Officer may, on default by an employer, recover as an arrear of land revenue any amount payable by the employer and for this purpose the Claims Officer shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890 (1 of 1890).

FORM X

(See rule 3)

GOVERNMENT OF INDIA

PERSONAL INJURIES (COMPENSATION INSURANCE) SCHEME, 1972.

Policy No.....

POLICY OF INSURANCE AGAINST LIABILITIES INSURANCE UNDER THE PERSONAL INJURIES (COMPENSATION INSURANCE) ACT, 1963.

This policy and the Specification hereto (which forms an integral part of this Policy) shall be read together as one contract and the words and expressions to which specific meanings have been attached in the Specification shall bear those meanings wherever they may appear.

The Specification.

The President	The President of India
The Government/Agent.
The Insured.	Name
Business Address.
Trade or business.
Name and address of all premises, or establishment where employees covered by the Act normally work.
Date of commencement of Insurance
Advance against premium Rs.	paid into the
Treasury	at..... on the..... day
Reserve Bank of India	
State Bank of India	of 19

Whereas the Insured has made and forwarded to the Government Agent a signed application for insurance, which application the Insured has agreed shall be the basis of this Policy and has paid the advance premium named above and;

Whereas the Insured has agreed that all the declarations, which he may be making from time to time hereafter, in relation to this policy shall also be the basis of this policy.

Now, this policy witnesseth that in consideration of the premises and on condition that there shall be duly paid to the President subsequent instalments of advance premium as the insured may be required to pay in terms of Notifications made under sub-clause (2) of clause 8 of the Personal Injuries (Compensation Insurance) Scheme, 1972 and on condition that after the period of the present Emergency there shall be paid to the President within such time and in lump sum or in such instalments as may be notified, the final adjustment of premium as may be required in terms of Notification under the Personal Injuries (Compensation Insurance) Act, 1963. The President agrees (subject to the provisions contained in the Personal Injuries (Compensation Insurance) Act, 1963, and the Scheme and Rules made thereunder in respect of the present emergency which provisions shall so far as the nature of them respectively will permit be deemed to be conditions precedent to the right of the Insured to recover hereunder that if during the present emergency any employee to whom the said Act applies shall sustain any personal injury for which the Insured is liable to pay compensation under the said Act, then the President will indemnify the Insured against all sums for which the Insured shall be so liable.

And it is hereby declared that this policy shall be subject to the conditions and privileges printed on the back hereof.

In witness whereof, I being duly authorised in that behalf have hereto set my hand for and on behalf of the President.

Signed for and on behalf of the
President, the day of 19

Conditions.

1. Every notice or communication to be given or made under this policy shall be delivered in writing to the Government Agent.

2. The observance and fulfilment of the terms and conditions of this policy so far as they relate to anything to be done or not to be done by the Insured and the truth of the statements and answers in the Application Form and in all the declarations in relation to the policy shall be conditions precedent to any liability of the President to make any payment under this policy.

3. On the happening of any occurrence which may give rise to a claim for payment of compensation under the Act, the insured shall forthwith furnish details of the occurrence including the name of any worker injured or killed, as the case may be, and the name of such workers' father to the Government agent.

4. If the claim be in any respect fraudulent or if any fraudulent means or devices be used by the Insured or anyone acting on his behalf to obtain any benefit under this policy, or if any injury is suffered by any employee of the Insured by the wilful act of or with the connivance of the Insured, all benefits under the policy shall be forfeited.

Provided that the benefits under the policy shall not be forfeited even though the injury to an employee is sustained in the course of the wilful act and with the connivance of the Insured when the wilful act is done under orders of proper authority, or where the Insured permits certain measures to be taken under orders of proper authority, and if any question arises as to whether any act of the kind mentioned above has been taken under proper authority, the Central Government shall decide the matter and such decision shall be final and fully binding on the Insured.

5. No refund of premium shall be allowed in respect of the policy except as provided by or under the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963).

6. In the event of a transfer of interest, this policy may be assigned but such assignment shall not take effect until notice of assignment has been given to the President.

7. The Insured shall at all times take due precautions for the safety of his employees. If the Insured shall fail to comply with any regulations or instructions made or issued under the authority of the Central Government for the safety of his employees, all benefits under the policy shall be forfeited.

8. If in his application for the insurance effected by the policy, and in subsequent declarations, the Insured shall have intentionally made a material misstatement as to the number of his employees and their wages and allowances, all benefits under the policy shall be forfeited.

9. The name of every employee together with the amount of wages, salary and other earnings shall be properly recorded and the insured shall at all times allow an authorized representative of the President or of the Government Agent to inspect such records.

10. If at any time before the date of expiry of the present emergency the employer ceases to be an employer to whom the Act applies he shall not be required to pay any instalments of advance premiums that may be notified thereafter but a final adjustment premium as on the date on which he ceases to be employer shall be payable in such manner and on such date (being not earlier than two months from that date) as may be required by the President and the policy shall cease to have effect in respect of any personal injury sustained by any employee of the employer after the date on which he ceases to be an employer to whom the Act applies.

Provided that if the employer so applies within a month of that date and if the President agrees, the policy may be transferred in the name of such other person (being an employer to whom the provisions of the Act apply) under whom the majority of the employees of the insured have been transferred. If such transfer is agreed to, the provisions of conditions 6 will apply.

FORM Y

Account of sums received into and paid out of the Personal Injuries (Compensation Insurance) Fund during the year ending.....19 .

Receipts			Expenditure	
Amount	Progress of receipts upto the end of		Amount	Progress of expenditure upto the end of
Rs. P.	Rs.	P.	Rs. P.	Rs. P.
1. Advances of Premium.			1. Compensation under the Personal Injuries (Compensation Insurance) scheme.	
2. Advances from General Revenue under Section 12(3).			2. Remuneration and expenses of Government Agent and cost of forms.	
3. Miscellaneous receipts.			3. Expenses of the staff employed to do the work in the States and at the headquarters of the Central Govt.	
			4. Expenses of the additional staff employed to cope with the audit and accounting arrangements.	
			5. Repayments of advances made under clause 12 of the Personal Injuries (Compensation Insurance) Scheme.	
			6. Miscellaneous expenditure showing details if necessary.	

S.O. 378(E).—In pursuance of section 8 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), the Central Government hereby makes the following Scheme, namely:—

THE PERSONAL INJURIES (COMPENSATION INSURANCE) SCHEME, 1972

1. Short title and commencement.—(1) This Scheme may be called the Personal Injuries (Compensation Insurance) Scheme, 1972.

(2) It shall come into force on the 3rd December, 1971.

2. Interpretation.—In this Scheme, unless the context otherwise requires,—

(a) "Act" means the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963);

(b) "Annexure" means the annexure appended to the Scheme;

(c) "advance premium" means the advance payments against the total premium to be paid by an employer as required in clause 6;

(d) "Claims Officer" means the officer appointed as Claims Officer for the purposes of the Personal Injuries (Emergency Provisions) Scheme, 1971 made under the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962);

(e) "clause" means a clause of this Scheme;

(f) "Commissioner" means a Commissioner for Workmen's Compensation appointed under section 20 of the Workmen's Compensation Act, 1923 (8 of 1923);

(g) "compensation" means compensation payable under sections 4 and 7 of the Act;

(h) "dependant" has the meaning assigned to it in the Workmen's Compensation Act, 1923 (8 of 1923);

(i) "eligible member of a family" means:—

(i) a widow lawfully married,

(ii) a legitimate son,

(iii) a legitimate daughter,

(iv) father,

(v) mother, and

(vi) any other dependant to whom the Claims Officer thinks that compensation should be paid;

(j) "Form" means a form appended to this Scheme;

(k) "Government Agent" means any person employed under section 11 to act as the agent of the Central Government for any of the purposes of the Act;

(l) "Head of account" means head of account specified in sub-clause (2) of clause 4;

(m) "period of emergency" means the period beginning with the third day of December, 1971, and ending with such date as the Central Government may by notification in the Official Gazette, declare to be the date on which the emergency shall come to an end;

(n) "policy" means a policy of insurance issued under this Scheme;

(o) "qualifying injury" means a personal injury sustained by a gainfully occupied person in respect of which compensation is payable under section 4 of the Act;

(p) "quarter" means a period of three months, commencing on the first day of April, July, October or January;

(q) "section" means a section of the Act;

(r) all other words and expressions used in the Scheme but not defined herein shall have the meanings respectively assigned to them in the Act.

3. Employer's obligations.—(1) Every employer shall take out in the manner indicated in this Scheme, a policy of insurance as laid down in section 9 and pay such advance premiums as may be notified under clause 8 and such final premium as may after the expiry of the period of the emergency be notified under clause 6.

(2) An employer who has fulfilled such of his obligations under sub-clause (1) as have fallen due shall be entitled to have any liability for the payment of compensation incurred by him under the Act discharged on his behalf by the Government out of the Fund.

(3) Where an employer has failed to fulfil such of his obligations under sub-clause (1) as have fallen due any compensation for the payment of which he is liable under the Act shall be paid out of the Fund, but any amount so paid shall be capable of being recouped from the employer in accordance with the procedure provided in that behalf in the Act.

4. Application for insurance.—(1) Every employer required to take out a policy of insurance under section 9 shall apply to the Government Agent or to such officer as may be authorised by the Government Agent in this behalf, for insurance.

(2) Every such application shall be made in duplicate in Form A and shall be accompanied by a treasury chalan evidencing payment of the requisite advance premium into a Government Treasury under the head LII Miscellaneous Receipts under Personal Injuries (Compensation Insurance) Scheme, 1972.

(3) If no chalan accompanies an application, or if the chalan is not in order, the application shall be returned to the applicant for re-submission along with the required chalan.

(4) If the chalan accompanying an application is in order but the application for insurance is not received in Form A, the Chalan may be retained by the Government Agent and the application returned to the applicant for resubmission after being correctly made out.

(5) If the chalan accompanying an application is for an amount which falls short of the premium due, the application, if otherwise in order may be kept in suspense, pending the receipt of a chalan for the balance of the amount by which the original chalan falls short.

(6) The Government Agent shall give a receipt in Form B for the application received from the employer.

5. Issue of Policy.—If the application has been correctly made out in Form A and is accompanied by a treasury chalan evidencing payment of the full advance premium required under clause 8 into a Government Treasury under the head of account the Government Agent shall issue a policy of insurance as soon as possible, after the receipt of the application.

6. Amount of premium.—(1) The total premium due on a policy of insurance shall be determined by the Central Government by a notification in the Official Gazette within nine months after the termination of the period of emergency.

(2) The premium shall be expressed as a percentage of the wages bill of the employer or as the equivalent of all advance payments of premium already made by him.

(3) (a) "This premium", less such advance premiums as may have been recovered, will be payable by employers in such instalments as may be fixed by the Central Government.

(b) Each such instalment shall be paid into a Government Treasury under the head of account through a chalan and the chalan evidencing such payment shall be forwarded to the Government Agent, within 30 days of the date fixed for payment by a notification in the Official Gazette.

(4) If the advance premium already recovered exceeds the total premium, then the excess shall be refunded by the Central Government to the employer.

7. Manner of assessing final premium.—For the purpose of calculating the total premium due from any employer on a policy of insurance, the total wages bill of that employer for the four complete quarters preceding the date of termination of the period of emergency shall be the wages bill on which percentages will be charged;

Provided that in respect of an employer who has gone out of business before that date, the period shall be the four complete quarters preceding the date on which he goes out of business.

8. Advance of premium.—(1) The amount of the advance premium payable during the quarter ending 31st March 1972 against the total premium to be determined under clause 6 shall be at the rate of three paise per one hundred rupees of the relevant wages bill.

(2) The amount of advance premiums payable during subsequent quarters which shall be expressed as a percentage of the relevant wages bill of each employer shall be payable at such rates as may be notified from time to time by the Central Government in the Official Gazette in this behalf.

(3) Advance premiums shall not be required to be paid more frequently than once in a quarter.

(4) The relevant wages bill for an advance premium shall be the wages bill for the quarter preceding the one in which the advance premium is required to be paid.

(5) If at any time the Central Government is of opinion that the balance in the fund is sufficient to meet the probable liabilities of the fund as foreseen at that time, the Central Government may waive or postpone the payment of advance of premium during the current or any future quarter.

(6) All advance premiums shall be paid by the employer into a Government treasury under the head of account and the treasury chalan evidencing payment of the advance payments shall be forwarded by the employer to the Government Agent, to whom the application under clause 4 is required to be made within such time as may be specified by the Central Government in the Official Gazette in this behalf.

(7) The final premium and the advance premiums shall be rounded off to the nearest rupee.

(8) The Government Agent or his officer shall give a receipt in Form C for each advance premium after the first paid by the employer.

9. Value in lump sum of amounts payable under Personal Injuries (Emergency Provisions) Act, 1962.—The value in lump sum of the pensions and allowances payable under the Personal Injuries (Emergency Provisions) Act, 1962, and specified in column 1 of the Table below shall be the corresponding amount indicated in column 2 thereof:—

TABLE

Pension and allowances (1)	Value in lump sum (2)
(i) Disability pension for 100 % disablement	Rs. 6,900
(ii) Family pension and children's allowance	Rs. 6,900

10. Amount of compensation.—(1) Subject to the provisions of section 7 read with clause 9 and sub-clause (2) of this clause, the amount of compensation payable shall be as follows:—

- (a) Where death results from the injury and the deceased person has been in receipt of monthly wages falling within limits shown in the first column of the Annexure—the amount shown against such limits in the corresponding entries in the second column thereof;
- (b) Where permanent total disablement results from the injury and the injured person has been in receipt of monthly wages falling within the limits shown in the first column of the Annexure—the amount shown against such limits in the corresponding entries in the third column thereof;
- (c) Where permanent partial disablement results from the injury:—
 - (i) in the case of an injury specified in the Schedule to the Act such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and
 - (ii) in the case of an injury not specified in the Schedule to the Act, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;
- (d) Where temporary disablement, whether total or partial, results from the injury and the injured person has been in receipt of monthly wages

falling within limits shown in the first column of the Annexure, a half monthly payment of the sum shown against such limits in the corresponding entries in the fourth column thereof payable on the sixteenth day:—

- (i) from the date of the disablement, where such disablement lasts for a period of twenty-eight days or more, or
- (ii) after the expiry of a waiting period of three days from the date of the disablement where such disablement lasts for a period of less than twenty-eight days,

and thereafter half-monthly for so long as he receives any payment under Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962.

(2) Notwithstanding anything contained in sub-clause (1), the amount of compensation payable to a Government servant under this Scheme shall in accordance with section 6 of the Act be equal to the amount of compensation that would have been payable under sub-clause (1) plus the appropriate lump sum value of the payments under the Personal Injuries (Emergency Provisions) Act, specified in clause 9 reduced by the lump sum value of the extraordinary pension, gratuity, compassionate payment or damages repayable to him under the rules regulating the conditions of his service.

11. Title to compensation.—Compensation in respect of a qualifying injury sustained by a workman shall be admissible only if the injury was sustained at any time:—

- (a) on a day on which he was on duty as such workman, or
- (b) on a day on which he would have been on duty but for that day being a recognised holiday or day of rest or for his being casually absent from duty on account of illness, injury or other similar cause, or for any other reason which in the opinion of the Claims Officer was good and sufficient.

12. Advance payment by employers.—(1) The employer of a workman sustaining a qualifying injury may grant to the workman himself or to any person of his death to any person to whom compensation would be payable under clause 18 an advance on account of compensation not exceeding two hundred rupees.

(2) Upon acceptance of an advance payment in accordance with sub-clause (1) the recipient thereof shall give to the employer a receipt in duplicate in Form D.

(3) (a) An employer who wishes to claim a refund of the advance payment made by him to a workman or an eligible member of his family under sub-clause (1) shall, within two weeks of making such advance, make an application in Form E therefor to the Claims Officer having jurisdiction in the area where the injury was sustained.

(b) The application referred to in sub-clause (a) shall be accompanied by a copy of the receipt given by the workman or an eligible member of his family in Form D.

(4) So much of the amount paid under sub-clause (1) as does not exceed the compensation payable to the same person under an award made under this Scheme shall be repayable to the employer from the Fund.

(5) When making an award under this Scheme for an injury in respect of which the employer of the injured person has made an advance payment to the workman or an eligible member of his family under sub-clause (1), the Claims Officer shall, on receipt of an application under sub-clause (3), make an order in Form F requiring the repayment of the advance payment to the employer and shall reduce the award by the amount of such order.

13. Application for compensation.—(1) An application for compensation under this Scheme shall be made to the Claims Officer of the area where the injury was sustained within eight months after the date of sustaining the qualifying injury by any of the following persons in the manner laid down in clause 14 namely:—

- (i) the workman, or
- (ii) in case of workman's death, an eligible member of the workman's family.

(2) The Claims Officer may accept an application from the employer of the workman on behalf of the workman or his family, if such officer is satisfied that

it is in the interest of the workman so to do or in the event of his death, of an eligible member of the workman's family.

(3) Where the Claims Officer is satisfied that a person by whom an application should be made is for sufficient reason incapable of making the same, the Claims Officer may entertain an application made on such person's behalf by any other person.

(4) (a) An application made after the period of eight months of the date of the qualifying injury shall not be considered,

(b) but the Claims Officer may, in his discretion, if he is satisfied that the delay has been due to valid reasons, admit the application.

14. Application for compensation by workman, employer or any person authorised in this behalf.—(1) An application for compensation by the workman sustaining the qualifying injury shall be made in Form G to the Claims Officer through the person in charge of the hospital or dispensary where he last received or is receiving treatment, or if he has not been treated in any hospital or dispensary, through the Medical Officer of Government or a registered medical practitioner, if any, who last treated him for the injury, and shall be countersigned by such person, officer or practitioner.

(2) An application for compensation made by an eligible member of the workman's family on behalf of the workman sustaining the qualifying injury shall be in Form H.

(3) An application in respect of compensation made under sub-clause (3) of clause 13 or by an employer under sub-clause (2) of clause 13 shall be in Form I.

15. Certification by employer.—(1) On receipt of an application for compensation in Form G, H, or I the Claims Officer shall require the employer to submit a return in duplicate in Form J within such time as may be prescribed by the Claims Officer.

(2) An advance payment made under clause 12 shall not be refundable if not recorded in Form J.

(3) An advance payment made after submission of Form J by the employer shall not be refundable.

16. Duplicate copy of Form J to be sent to Government agent.—(1) The Claims Officer shall forward the duplicate copy of the return in Form J received under sub-clause (1) of clause 15, to the Government agent.

(2) The Government agent shall verify the corrections of the particulars given in the return by the employer regarding the policy taken out by him and if it is found that the policy quoted is not valid, the Government agent shall inform the Central Government accordingly and also at the same time forward the connected papers to that Government.

17. Award for payment of compensation.—(1)(a) When an application for compensation under this Scheme is received, the Claims Officer shall, after considering the reports and certificates pertaining to the case and after obtaining such other evidence if any, as he considers necessary, and in addition to the award under the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962), make another award, or awards in Form K when there are several eligible members, under the provisions of this Scheme for the payment of compensation under the provisions of the Act.

(b) The Central Government may make a similar award in respect of cases in which relief has been granted under clause 46 of the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962).

(c) (i) A signed and sealed copy of the award shall be given to the person in whose favour the award is made or to his authorised agent;

(ii) a true copy shall be sent to the employer of the workman concerned together with attested specimens of thumb and finger impressions of the payee and his signature, if literate;

(iii) a true copy shall be sent to the Post Office where the payment is to be made, together with attested specimens of the thumb and finger impressions of the payee and his signature, if literate;

(iv) and another true copy shall be sent to the audit officer specified for this purpose by the Director General of Posts and Telegraphs.

(2) If an application for compensation is rejected, the reasons for such rejection shall be recorded in the Order passed and a copy of the Order shall be given free of cost to the applicant.

18. Distribution of compensation.—The amount of compensation in respect of death shall be paid and distributed by the Claims Officer in like manner as compensation in respect of a workman whose injury has resulted in death is paid and distributed by a Commissioner under section 8 of the Workmen's Compensation Act, 1923, except that the payment shall be made through an award in Form K, under clause 17.

19. Payment by instalments.—(1) When compensation admissible under the Act to any person is less than or equal to, five hundred rupees, it shall be paid as lump sum.

(2) When the compensation admissible under the Act to a person exceeds five hundred rupees, a part of the admissible amount up to the extent of five hundred rupees shall be paid as a lump sum and the balance shall be paid in monthly or quarterly instalments at such rate as may be prescribed by the authority making the award under clause 17 or the authority issuing directions under clause 21:

Provided that the number of instalments shall not exceed 60 in the case of monthly instalments and 20 in the case of quarterly instalments.

20. Place of payment.—(1) Compensation under this Scheme shall be payable at all head and sub-post offices and such branch post-offices in India as may be authorised in this behalf by the head of the circle or in the case of Nagaland by the Deputy Commissioner or the Sub-Divisional Officer.

(2) All such amounts shall be drawn within three months of the date when they are due.

(3) All such payment shall from time to time be endorsed on the award by the Post-master concerned.

21. Power to withhold etc. of award.—The Claims Officer may withhold, cancel, review or alter an award under this Scheme under the same conditions and circumstances as are specified for the withholding, cancellation, review or alteration, as the case may be, of an award made under the Personal Injuries (Emergency Provisions) Scheme, 1971, in respect of the same workman and in respect of the same injury:

Provided that no such withholding, cancellation, review or alteration shall be made to recover any amounts already paid under this Scheme:

Provided further that the amount of compensation shall not be increased beyond the limits specified in, or for the purposes of, this Scheme.

22. Right of appeal.—An appeal against any order made by the Claims Officer under this Scheme shall lie to such authority as may be specified in this behalf by the Central or the State Government.

23. Exemption of employers.—An employer desiring to be exempted from the provisions of the Act under section 21 shall make an application to the Central Government in Form L.

24. Submission of details by contractors.—The liabilities under this Scheme of the contractor and the principal as defined in section 10, shall be as follows:—

The Contractor.—(a) The contractor shall be under an obligation in like manner as if he were any other employer for insuring the workman working under him.

(b) The contractor shall be responsible for informing the Principal of the number and date of the policy taken out by him from the Government Agent.

The Principal.—The principal shall be responsible for bringing to the notice of the Government Agent the existence of any contractors working under him, but the principal will not be responsible for the accuracy of figures included in the application made by the contractor.

25. Penalties.—Any person who contravenes any requirement of the scheme shall be punishable for every such contravention with fine which may extend, to two thousand rupees.

ANNEXURE

(See clause 10)

Amount of compensation payable

Monthly wages of Workman injured	Amount of compensation for		Half-monthly payment as compensation for temporary disablement
	Death	Permanent total disablement	
1	2	3	4
More than	But not more than	Rs.	Rs. Paise
0	50	Nil	Nil
50	60	Nil	1' 00
60	70	Nil	1' 00
70	80	Nil	2' 50
80	100	Nil	8' 50
100	150	100	20' 00
150	200	100	35' 00
200	300	1100	52' 50
300	400	2100	57' 50
400	.	3100	70' 00

Note :—Compensation for permanent partial disablement is calculated as follows :—The extent of permanent partial disablement is expressed in percentages of loss of earning capacity. These percentages are percentages of the compensation which would be payable in the case of permanent total disablement.

FORM 'A'

(See Clause 4)

Important :—Before completing this application form read the instructions overleaf.

GOVERNMENT OF INDIA

PERSONAL INJURIES (Compensation Insurance) Act, 1953

Application and Wages Declaration Form

1. Employer's Name, 2. Business Address,
 3. Date on which the employer became liable to take out the insurance. 4. Description of trade or business and Schedule of employees.

Name of premises, factories, mines or establishments where employees covered by the Act normally work	Address	Nature of trade or business	Industry/ group to which the trade or business belongs (for list see para 3 overleaf)	No. of employees at the beginning of the current quarter	Actual* wages including overtime wages paid during the previous quarter	Cash* allowances	Total wages and allowances (6) plus (7).
1	2	3	4	5	6	7	8

(1)

(2)

Total-----

*For calculation of the wages and allowances each person's monthly earnings above Rs. 500 should be ignored.

5. Advance against premium calculated to the nearest Rupees at..... per cent equal to Rs.

6. Have you employed any contractor or contractors in the preceding quarter(s)? If so give:—

Name of contractor(s)	Period of contract	Approximate number of persons employed
.....
.....

(For definition of "Contractor" see para 10 overleaf)

To

.....
(Here insert the name of the Government Agent)

(To be completed when application for insurance is first made)

I/We warrant that the above Statements and particulars are true and I/We request you to effect insurance on my/our behalf with the Government of India in terms of the prescribed standard policy which I/We agree to accept.

I/We further agree that this application and all the declarations that will be made by me/us hereafter from time to time in relation to the policy to be issued to me/us against this application shall be the basis of the contract between the President of India and myself/ourselves.

I/We enclose chalan dated for Rs.
paid into The Treasury*

State Bank of India*

at.....

Reserve Bank of India*

Dated.....

Signature of the Employer.

(*Strike out whichever is inapplicable)

(To be completed when submitting a declaration of wages subsequent to original application).

I/We warrant that the above statements and particulars are true and I/We enclose chalan dated for Rs. deposited in the The Treasury*

State Bank of India*

Reserve Bank of India*

(*Strike out whichever is not applicable).

at.....in payment of the advance against premium payable during the quarter ending
The number of my/our policy is

Signature of Employer.

Dated

INSTRUCTIONS

1. *Liability*.—The above Act imposes on employers of persons engaged in essential services, in factories, mines, major ports, plantations and other employments to be specified, an obligation to pay compensation in respect of personal injury to their employees amounting to the difference between the amount which would have been payable under the Workmen's Compensation Act, 1923, and the amount paid by Government under the Personal Injuries (Emergency Provisions) Scheme, 1962, if the personal injury had given a right to compensation thereunder. The Act extends to the whole of India.

2. *Compulsory Insurance*.—All employers to whom the Act applies must insure their liability with the Central Government and the Act prescribes heavy penalties for failure to insure or failure to pay any advance against premium due or failure to pay compensation due under the Act.

3. *Employers to whom the Act applies.*—The Act applies to all employers throughout India of persons employed in:—

- (a) any employment or class of employment which is or has been declared to be an essential service under rule 126AA of the Defence of India Rules, 1962 or under Rule 119 of the Defence of India Rules, 1971;
- (b) any factory as defined in clause (m) of section 2 of the Factories Act, 1948;
- (c) any mine within the meaning of the Mines Act, 1952;
- (d) any major port as defined in the Indian Ports Act, 1908;
- (e) any plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951;
- (f) any employment specified in this behalf by the Central Government by notification in the Official Gazette.

Please indicate category or categories of employments in column 4 of the Form.

4. *Employers not required to insure.*—The following classes of employers are not required to insure under the Act:—

- (a) The Central and State Government; [Sec. 9(3)];
- (b) employer whose total wages bill for any quarter after the commencement of the Act has never exceeded *fifteen hundred rupees*; [Sec. 9(1)];
- (c) short-term contractors, i.e. where the loaning or letting on hire of the services of the workmen, or the execution of work, is for a term of less than one month; [Sec. 10(2)];
- (d) employers exempted under section 21 of the Act.

5. *Employees included.*—All direct employees, including Managers, Supervisors, Assistants, etc., and all contractors employees (see definition of "Contractor") are included in the Scheme. It should be noted that all employees in the employments referred to are covered and the application of the Act is not restricted to a specific class, e.g. "workers" defined in the Factories Act.

6. *How to insure.*—The application Form should be completed and forwarded in duplicate to the Government Agent.

All applications, must be accompanied by a treasury chalan evidencing the payment of the requisite advance premium into the Treasury/Reserve Bank of India/State Bank of India, as the case may be, the advance premium being calculated to the nearest rupee.

7. *Date by which policy to be taken.*—An application for taking out a policy of insurance shall be made:—

- (a) If the employer had been an employer for the complete quarter ending 31st December, 1971 then on or after the 10th June, 1972 and not later than 20th July, 1972.
- (b) All other cases, within one month of the employer's having been an employer for one complete quarter.

8. *Rate of Premium.*—The total premium payable will be decided by Government after the termination of the emergency when the total liability has been ascertained. In the meantime, employers will be required to pay to Government periodic advance payments against this premium and the amount of advance premium payable during any quarter shall be such percentage of the wages bill of the previous quarter as may be notified by the Central Government from time to time.

The rate of the advance premium for the quarter ending 31st March 1972 has been fixed at three paise per Rs. 100 of the wages bill in respect of the quarter ending 31st December, 1971.

9. *Definition of "Wages Bill".*—For the purpose of computing the 'wages bill' on which is based the amount of premium, the total is taken only of the gross cash wages including overtime wages and allowances of all workmen excluding all that part of gross cash wages and allowance of individual employees which exceed Rs. 500 per month and bonus paid on profits.

It is the wages bill so computed that should be entered in the application form.

10. *Definition of "Contractor".*—Please see section 10 of the Act. Unlike the provisions of the Workmen's Compensation Act, 1923, the "contractor", is liable in respect of workman whose services are temporarily lent or let on hire to another.

The liabilities of the Principal and Contractor under the Scheme are as follows:—

The Contractor.—(a) The contractor shall be under an obligation in like manner as if he were any other employer for insuring the workman working under him.

(b) The contractor shall be responsible for informing the principal of the policy number and date of insurance effected by him.

The Principal.—The principal shall be responsible for bringing to the notice of the Government Agent the existence of any contractors working under him. The principal will not be responsible for the accuracy of figures included in the application made by the contractor.

11. *Definition of "Quarter".*—A "quarter" means a period of three months commencing on the first day of April, July, October and January.

For 'relevant quarter' for which the wages are calculated and calculation of advance premium please see clause 8.

FORM 'B'

[See Clause 4(6)]

PERSONAL INJURIES (COMPENSATION INSURANCE) ACT, 1963

Insured	Policy No.	Acknowledgement of first application with chalan received.	
Name		Received application	No. Dated
Business Address			
Trade or Business			Treasury Reserve Bank State Bank Dated
Signature of authorised representative of Government Agent.			

FORM 'C'

[See clause 8(8)]

PERSONAL INJURIES (COMPENSATION INSURANCE) ACT, 1963

	Policy No.	Acknowledgement of chalan in respect of Advance Premium payable after the first	
Insured's Name		Amount	
Business Address			
Trade or Business		Treasury Reserve Bank State Bank	
		Dated	

Received from the Employer shown herein the chalan mentioned above towards advance against premium under the Policy payable during the quarter ending _____

Signature of authorised representative of Government Agent.

FORM 'D'

[(See Clause 12 (2))]

Received from..... of..... an advance
 payment of Rs. (Rupees) under
 clause 12 of the Personal Injuries (Compensation Insurance) Scheme 1972, with reference to the
 injury sustained on..... at..... by.....
 of.....

Ticket No.....

Department.....

Employee of.....

In consideration of the advance, I hereby enter into the undertaking that the amount of this
 advance may be deducted under the provisions of the Personal Injuries (Compensation Insurance)
 Scheme from out of any award made (either to me or to my relatives) *in respect of the aforesaid
 injury sustained by deceased/me.

Date.....

Witness.....

of.....

Signature or thumb impression of.....

Address.....

*Only when receipt is given by the injured person.

FORM 'E'

[(See Clause 12 (3))]

Application for Refund of Advance Payments

To the Claims Officer for..... (area) I/We, the firm of
 Messrs. do hereby declare that I/we have paid to..... whose age
 description and other details are given below a sum of Rs./an aggregate sum of Rs.
 as an advance payment for the injury sustained by..... of.....

Ticket No.....

Department.....

a workman in employment under me/our firm. The advance payment was made on.....
 and a duplicate copy of the receipt is attached hereto.

I/We the firm of Messrs. claim a refund of the amount stated above and request you to pass
 and order for the repayment of the said amount to me/us at..... Post
 Office.

Date of application

Signature of employer.

(Particulars of the persons to whom advance paid)

Name

Relation with deceased

in case of workman's death.

Father's name

Age.

Residence

Profession

FORM 'F'

[(See clause 12 (5))]

Order for Refund to Employer

Claims Officer for

(area)

Name of Claims Officer

Name of employer

Full address

Date of application for refund

Amount to be refunded

Being satisfied that the sum of Rs..... being the amount of the ad-
 vance payment made to..... in accordance with sub-clause (1) of clause 12

of the Personal Injuries (Compensation Insurance) Scheme by.
 (name of employer) the employer of. is due to the said employer,
 I direct that the said sum shall be paid to him from the Personal Injuries Compensation Insurance Fund at. Post Office on production, of this order.

Delivered to payee

Date and signature of Claims Officer.

Forwarded to the payee. (Name and address of Payee)
 Copy forwarded to the Distt. Post Master/Post Office.

FORM 'G'

[See clause 14(1)]

Application for compensation by workman

Claimant's full name (in capitals)

Name of father (in the case of married woman, of husband)

Age

Date of birth

Profession

Residence

Nationality

Monthly rate of wages at the time the injury was sustained.

What amount of compensation is claimed and justification for the claim

Name of the employer and his full address

Ticket number, if any and department in which employed

The amount of advance received from employer.

Place where injury was sustained

Date of Injury

Cause of injury, in detail

Details of injury

If taken to dispensary or hospital, which and when?

If discharge from dispensary or hospital, when?

If attended to at residence by a medical practitioner, details of place where treated and name of medical practitioner.

If any temporary allowance and/or pension is being or has been drawn by the injured person details thereof.

The compensation may be made payable at Post Office

I certify that I am not in receipt of any compensation under the Personal Injuries (Compensation Insurance) Scheme, 1965 or the Personal Injuries (Compensation Insurance) Scheme, 1972, other than that claimed above in respect of the personal injury sustained by me.

I certify that the information furnished above is true to the best of my knowledge and belief.

Date

(Signature of claimant or thumb impression if illiterate)

FORM 'H'

[See clause 14(2)]

Application for Compensation by Eligible Member

Applicant's full name (in capitals)

Name of father (in case of married woman, of husband)

Age

Date of birth

Profession

Residence

Nationality

Relationship with deceased

Full name of the deceased (in capitals)

Place of death

Cause of death

Name of the employer of the deceased

Whether the deceased was a Government servant and if so, state the amount of gratuity, family pension, extraordinary pension etc. sanctioned by Government

Ticket number, if any, and department in which employed

Place of employment

Monthly rate of wages of the workman at the time the injury was sustained or death occurred

Was deceased attended to by C. D. volunteer, homeguard, police or other organisation, if so, details.

If deceased received any medical treatment, details thereof including place where received

If deceased died in any hospital or dispensary, state details

If not give any other proof of death, e.g., affidavits, or any certificates by a Gazetted Officer, Magistrate, or Sub-Inspector of Police

If deceased has any of the following relatives living at the time or his death, give details* in respect of each:—

*If necessary, this may be done on a sheet to be attached and signed.

Widow or widows, legitimate son(s), legitimate daughter (s), father, mother, State also if any has since died, or whether any female relative has since married or remarried.

Date of birth

Age { In the case of all
eligible relatives

Residence:

If staying elsewhere than

with applicant, state details.

In the case of daughter, whether married.

In the case of children, Guardian, if any, other than applicant

If any of the said relatives or the applicant—

(i) draws any other pension and/or allowance from public funds, state details as to the source and amount.

(ii) holds any appointment under Government, state details and rate of emoluments.

Amount and particulars of the claim made:—

The compensation may be made payable at Post Office—

I certify that I am not in receipt of any compensation under the Personal Injuries (Compensation Insurance) Scheme, 1965, or the Personal Injuries (Compensation Insurance) Scheme, 1972, other than that claimed above in respect of the personal injury sustained by the deceased.

I certify that the information furnished in the statement is true to the best of my knowledge and belief.

Date

(Signature of claimant or thumb impression, if illiterate)

FORM 'I'

[See clause 14(3)]

Application by Employers and other persons authorised in this behalf for Compensation

Name of applicant (if other than the employer) and full address.

Name of employer and full address.

Name of person(s) on whose behalf application is made.

Name of workman sustaining qualifying injury.

Name of workman's father (in the case of married woman, of husband).

Ticket number, if any and department in which employed.

Age of workman at the time of receiving injury.

Residence.

Place of qualifying injury.

Date and time of qualifying injury.

Whether the qualifying injury resulted in death or not?

If workman received or is receiving any medical treatment, details thereof including place where received.

*If workman died in hospital or dispensary give details. If not, give any other proof of death, e.g., affidavits, or any certificates by a Gazetted Officer, Magistrate or Sub-Inspector of Police.

Amount of compensation claimed.

Amount of advance, if any already paid to workman or his dependants.

Monthly rate of wages of the workman at the time the injury was sustained or death occurred.

%Period during which the workman was employed.

Nature of employment.

Number and date of Policy taken by employer under clause 5 of the Personal Injuries (Compensation Insurance) Scheme, 1972.

I certify that to the best of my knowledge and belief on other application for compensation in respect of this injury has been made by any person and that I am acting on behalf of the workman _____ with his express consent.

dependant(s) of the workman their

The compensation may be made payable at Post Office.

I also certify that the information furnished in the statement is true to the best of my knowledge and belief.

Date

(Signature of employer or the person making the application).

*To be filled up only in cases of death of the workman.

**To be filled up by the employer when the application is made by him.

FORM 'J'

[See clause 15]

Certificate by Employer

I _____ do hereby certify:

We, the firm of Messrs.

(i) that whose age and description are given below—

(a) was a workman in employment under _____ me ticket number
our firm
(if any).....and employed in.....
department;

(b) was last at work under _____ me and
the firm

(c) that his wages as entered in the last wage roll were at the rate of
Rs..... per mensem;

(ii) that I have taken out a Policy of Insurance under the Personal Injuries (Compensation Insurance) Scheme, 1965, and the number and date of the Policy are.....

(iii) that no advance payment
an advance payment of Rs.
advance payments aggregating to Rs.
has/have been paid by me to the _____ said workman
us _____ dependant(s) of the said workman.

If the workman is entitled to any compensation under section 5 (extracted on reverse), give details:—

Age of workman.

Description of workman.

Nature of injury.

Date

Signature of Employer.

(To be printed on reverse)

SECTION 5 OF THE PERSONAL INJURIES (COMPENSATION INSURANCE) ACT, 1963

5. Where any person has a right apart from the provisions of this Act and of the Personal Injuries (Emergency Provisions) Act, 1962, to receive compensation (whether in the form of gratuity, pension compassionate payment or otherwise) or damages from an employer in respect of a personal injury in respect of which compensation is payable under this Act, the right shall extend only to so much of such compensation or damages as exceeds the amount of compensation payable under this Act.

FORM 'K'

[See clause 17(1)]

Award under the personal Injuries Compensation Insurance Scheme

Important.—In the case of Government servants no award shall be made except in accordance with clause 10(2) of the Scheme, which reads as follows:—

“(2) Notwithstanding anything contained in sub-clause (1), the amount of compensation payable to a Government servant under this Scheme shall in accordance with section 6 of the Act be equal to the amount of compensation that would have been payable under sub-clause (1) plus the appropriate lump sum value of the payments under the Personal Injuries (Emergency Provisions) Act, 1962, specified in clause 9 of this Scheme, reduced by the lump sum value of the extraordinary pension, gratuity, compassionate payment or damages payable to him under the Rules regulating the conditions of his service.”
(area).

Claims Officer for.

Name of Claims officer _____

Name of person sustaining qualifying injury. _____

killed.

Name of father of such person.

(in case of married woman, of husband).

Date and place of injury/death.

Age.

Residence.

Profession.

Nationality.

Compensation in favour of (block capitals).

Name of father of such person if other than the person sustaining qualifying injury (in the case of married woman, of husband).

Description of such person.

Age

Residence

Profession

Amount of compensation.

A lump sum of Rs.....and in addition a payment of Rs.....per.....month/quarter

Guardian, if any.

Period for which the monthly payment is sanctioned with the date of commencement quarterly

Payable at _____ Post Office
on the _____ of each _____

Being satisfied that the sum of Rs. _____ the amount _____ of an
unrepaid balance

advance payment made in accordance with sub-clause (1) of clause 12 of the Personal Injuries (Compensation Insurance) Scheme, 1972 by—(Name and address) the employer of—in respect of whose injury this award is made, is due to the said employer, I direct that the said sum be deducted from the sums payable under this award in the following manner:

Deduction from lump sum payment of Rs. _____ and in addition
deduction of Rs. _____ per month for _____ months.
quarter quarter

Date and signature of Claims Officer.

Forwarded to the payee

(Name and address of Payee)

COURT'S SEAL

Copy forwarded to:—

- (1) The Postmaster _____ together with the attested specimens
- (2) The employer _____ of the thumb and finger impressions
of the payee and his signatures, if
literate.
- (3) The Deputy Accountant General, Posts and Telegraphs.—

TABLE

(To be filled by the Postmaster or other authorised officer)

Period	Amount of Award	Signature or thumb impressions of payee	Signature of Postmaster or other authorised officer	Date stamp of office	Amount of advance of Rs. be covered in lump instalment of Rs. each payment for remi- tance to the emp- loyer
1	2	3	4	5	6

FORM 'L'

[See clause (23)]

Application for Exemption

Name of employer.

Full address.

Particulars of concern or concerns in respect of which exemption is sought.

Name of concern.

*Number of workmen employed.

Average monthly wages bill.

Period for which exemption is sought.

Reason for asking for exemption.

Amount of compensation which the employer has undertaken to give to the employees.

The name of the firm with which the liability has been insured.

Number and date of policy.

Period covered by the Insurance.

I declare that information given above is true.

Date

(Signature of employer)

*Only workmen to whom the Act would be applicable should be included.

[No. S.19025/17/71-Fac.]

K. D. HAJELA, Dy. Secy